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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 UGOCHUKWU GOODLUCK NWAUZOR,
11 FERNANDO AGUIRRE-URBINA,
12 individually and on behalf of all those
13 similarly situated,

14 Plaintiffs/Counter-Defendants,

15 v.

16 THE GEO GROUP, INC.,

17 Defendant/Counter-Claimant.

18 Case No. 3:17-cv-05769-RJB

19 STATE OF WASHINGTON,

20 Plaintiff,

21 v.

22 THE GEO GROUP, INC.,

23 Defendant.

24 Case No. 3:17-cv-05806-RJB

25 **DEFENDANT THE GEO GROUP, INC'S**
26 **DAMAGES JURY INSTRUCTIONS**

27 **ORAL ARGUMENT REQUESTED**

28 Pursuant to Local Civil Rule 51, Defendant The GEO Group, Inc. ("GEO")
29 respectfully submits the following Damages Jury Instructions.

30 DEFENDANT THE GEO GROUP, INC.'S DAMAGES
31 JURY INSTRUCTIONS
32 (3:17-CV-05769-RJB); (3:17-CV-05806-RJB)

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34 127506376.1

35 **AKERMAN LLP**

36 1900 Sixteenth Street, Suite 950
37 Denver, Colorado 80202
38 Telephone: 303-260-7712

DAMAGES INSTRUCTION

It is the duty of the Court to instruct you about the measure of damages.

You must determine the private plaintiff's total damages. The total damages would be payment of the Washington minimum wage for all work by the detainees who participated in the Voluntary Work Program since September 26, 2014. The private plaintiffs have the burden of proving damages by a preponderance of the evidence. In calculating the damages, you should consider that the State of Washington minimum wage during the applicable period was:

In 2014, the State minimum wage was \$9.32 per hour.

In 2015, the State minimum wage was \$9.47 per hour.

In 2016, the State minimum wage was \$9.47 per hour.

In 2017, the State minimum wage was \$11.00 per hour.

In 2018, the State minimum wage was \$11.50 per hour.

In 2019, the State minimum wage was \$12.00 per hour.

In 2020, the State minimum wage was \$13.50 per hour.

In 2021, the State minimum wage is \$13.69 per hour.

It is for you to determine what damages have been proved.

In calculating the damages, you should deduct the \$1.0

d detainees who participated in the voluntary work program.

In determining the amount of damages, you may not include or add to the damages any sum for the purpose of punishing GEO.

Your award must be based upon evidence and not upon speculation, guesswork or conjecture.

Authority: 9th Circuit Model Civil Jury Instruction 7.1.

**DEFENDANT THE GEO GROUP, INC.'S SUPPLEMENTAL
JURY INSTRUCTIONS
(3:17-CV-05769-RJB); (3:17-CV-05806-RJB) – PAGE 1**

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1 **AFFIRMATIVE DEFENSE AND COUNTERCLAIM – OFFSET**

2 GEO has asserted an affirmative defense and counterclaim of offset. Offset is a deduction
3 from the total damages that would otherwise be awarded to the detainees who participated in the
4 voluntary work program. GEO claims that each detainee who elected to participate in the
5 voluntary work program received compensation in the form of food, shelter, utilities, clothing,
6 bedding, recreation and entertainment. GEO argues that the detainees benefit from such items,
7 and the value of those items should be deducted from any damages awarded to the private
8 plaintiffs.

9 GEO must prove, by a preponderance of the evidence,

10 (1) That the GEO conferred a benefit upon detainees through its provision of food, shelter,
11 utilities, clothing, bedding, recreation and entertainment at the Northwest ICE Processing Center;
12 (2) That detainees obtained and appreciated that benefit at GEO's expense; and
13 (3) That the circumstances would make it unjust or inequitable for detainees to retain the
14 benefit, in addition to minimum wage payments, without paying for the value of the
15 benefits received.

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20 **Authority:** *Young v. Young*, 164 Wash. 2d 477, 484, 191 P.3d 1258, 1262 (2008); *Bailie*
21 *Commc 'ns, Ltd. v. Trend Bus. Sys., Inc.*, 61 Wash.App. 151, 160, 810 P.2d 12 (1991).

1 **DEFENDANT'S PROPOSED VERDICT FORM NO.**

2 **Offset and Unjust Enrichment Verdict Form**

3 We, the jury, answer the questions submitted by the court as follows:

4 **QUESTION 1:** What amount should be offset from the detainees wages to account for the
5 sums paid by GEO for their food, shelter, utilities, clothing, bedding, recreation and
6 entertainment between September 26, 2014, and October 27, 2021?

7 **ANSWER:** \$ _____

8 *Sign this verdict form and notify the bailiff.*

9 DATE: _____
10 _____

11 Presiding Juror

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2 Respectfully submitted this 27th day of October, 2021.

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AKERMAN LLP

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By: s/ Adrienne Scheffey

5

Adrienne Scheffey (Admitted *pro hac vice*)
1900 Sixteenth Street, Suite 950
Denver, Colorado 80202
Telephone: (303) 260-7712
Facsimile: (303) 260-7714
Email: adrienne.scheffey@akerman.com

6

7

8

By: s/ Jacqueline M. Arango

9

Jacqueline M. Arango (*Pro Hac Vice Pending*)
98 Southeast Seventh Street, Suite 1100
Miami, Florida 33131
Telephone: (305) 374-5600
Facsimile: (305) 374-5095
Email: jacqueline.arango@akerman.com

10

11

12

13

FOX ROTHSCHILD LLP

14

By: s/ Al Roundtree

15

Al Roundtree, #54851
1001 Fourth Avenue, Suite 4500
Seattle, Washington 98154
Telephone: (206) 624-3600
Facsimile: (206) 389-1708
Email: aroundtree@foxrothschild.com

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THE GEO GROUP, INC.

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27

By: s/ Wayne H. Calabrese

28

Wayne H. Calabrese (Admitted *Pro Hac Vice*)
Joseph Negron Jr. (Admitted *Pro Hac Vice*)
4955 Technology Way
Boca Raton, Florida 33431
Telephone: (561) 999-7344
Telephone: (561) 999-7535
Email: wcalabrese@geogroup.com
Email: jnegron@geogroup.com

Attorneys for Defendant The GEO Group, Inc.

1 **PROOF OF SERVICE**

2 I hereby certify on the 27th day of October, 2021, pursuant to Federal Rule of Civil
3 Procedure 5(b), I electronically filed and served the foregoing **DEFENDANT THE GEO**
4 **GROUP, INC.'S SUPPLEMENTAL JURY INSTRUCTIONS** via the Court's CM/ECF
5 system on the following:

6 **OFFICE OF THE ATTORNEY GENERAL**

7 Marsha J. Chien
8 Andrea Brenneke
9 Lane Polozola
10 Patricio A. Marquez
11 800 Fifth Avenue, Suite 2000
12 Seattle, Washington 98104

13 *Attorneys for Plaintiff State of Washington*

14 **SCHROETER GOLDMARK & BENDER**

15 Adam J. Berger, WSBA #20714
16 Lindsay L. Halm, WSBA #37141
17 Jamal N. Whitehead, WSBA #39818
18 Rebecca J. Roe, WSBA #7560
19 401 Union Street, Suite 3400
20 Seattle, Washington 98101
21 Telephone: (206) 622-8000
22 Facsimile: (206) 682-2305
23 Email: hberger@sgb-law.com
24 Email: halm@sgb-law.com
25 Email: whitehead@sgb-law.com
26 Email: roe@sgb-law.com

27 **THE LAW OFFICE OF R. ANDREW FREE**

28 Andrew Free (Admitted *Pro Hac Vice*)
29 P.O. Box 90568
30 Nashville, Tennessee 37209
31 Telephone: (844) 321-3221
32 Facsimile: (615) 829-8959
33 Email: andrew@immigrantcivilrights.com

34 **OPEN SKY LAW PLLC**

35 Devin T. Theriot-Orr, WSBA #33995
36 20415 72nd Avenue S, Suite 100
37 Kent, Washington 98032
38 Telephone: (206) 962-5052
39 Facsimile: (206) 681-9663
40 Email: devin@openskylaw.com

AKERMAN LLP

PROOF OF SERVICE
(3:17-CV-05769-RJB); (3:17-CV-05806-RJB) – PAGE 5

1900 Sixteenth Street, Suite 950
Denver, Colorado 80202
Telephone: 303-260-7712

1 **MENTER IMMIGRATION LAW, PLLC**

2 Meena Menter, WSBA #31870
3 8201 164th Avenue NE, Suite 200
4 Redmond, Washington 98052
5 Telephone: (206) 419-7332
6 Email: meena@meenamenter.com

7 *Attorneys for Plaintiffs Ugochukwu Nwauzor, et al.*

8 s/ Al Roundtree _____
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